

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**JEANIE HICKS
Plaintiff,**

v.

**CENLAR FSB,
Defendants.**

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CIVIL ACTION NO. 4:20-cv-1661

**MOTION FOR LEAVE TO FILE DEFENDANT’S
OBJECTION TO MEMORANDUM AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Defendant Cenlar FSB (“Cenlar), and files its Motion for Leave to File Defendant’s Objection to Memorandum and Recommendation of United States Magistrate Judge (“Objections”) [Doc. 29] dated November 29, 2021, and respectfully shows the Court as follows:

I.

MOTION FOR LEAVE

On July 28, 2021, Defendant filed its Motion for Summary Judgment and brief in Support (“Defendant’s MSJ”) [Doc. 25]. Plaintiff failed to file a response.

1. In response to Defendant’s Motion to Abate, Judge Bennett executed an order on September 22, 2021, staying pretrial order, deadline, docket call and trial date pending a ruling on Defendant’s MSJ. [Doc. 27].

2. On October 21, 2021, Defendant's MSJ was referred to Judge Stacy for consideration. [Doc. 28].

3. On November 29, 2021, Judge Stacy issued her Memorandum and Recommendation which allowed Defendant fourteen (14) days to file written objections. [Doc. 29].

4. Defendant's counsel was not able to file her objections on the date they were due as her elderly mother, who lives with her and she cares for, had an unexpected medical issue and had to be medically treated. The associate who assists Defendant's counsel was out of the office on personal time off and could not file the objections on Defendant's counsel's behalf. Defendant's inability to file the Objections on the date they were due was not intentional. Defendant respectfully requests the Court allow leave to file Defendant's Objections. This case can easily be resolved via summary judgment so that the Court's resources are not wasted with an unnecessary trial.

5. Good cause exists for allowing Defendant to file its Objection. Therefore, Defendant respectfully requests that it be allowed to file its Objection.

II

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant request that the Court grant this Motion for Leave and allow Defendant to file its Objection on the date it is presented to the Court, and that Defendant be awarded all other relief to which it may be justly entitled.

Respectfully submitted,

**BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP**

/s/ Crystal G. Gibson

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served as indicated below on this the 16th day of December, 2021, to the following:

VIA E-SERVICE: JHICKS4403@GMAIL.COM
Jeanie Hicks
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Houston, Texas 77045

/s/ Crystal Gee Gibson

Crystal Gee Gibson